



BRB No. 17-0041 BLA

DEAN AVERY ADAMS)	
)	
Claimant-Respondent)	
)	
v.)	
)	
BENHAM COAL, INCORPORATED)	
)	
and)	DATE ISSUED: 10/17/2017
)	
NAVISTAR INTERNATIONAL)	
)	
Employer/Carrier-)	
Petitioners)	
)	
DIRECTOR, OFFICE OF WORKERS')	
COMPENSATION PROGRAMS, UNITED)	
STATES DEPARTMENT OF LABOR)	
)	
Party-in-Interest)	ORDER

On January 24, 2017, employer/carrier (employer) filed its petition for review and brief, contesting its designation as the responsible operator in this case.

On October 12, 2017, the Director, Office of Workers' Compensation Programs (the Director), filed a Motion to Dismiss Employer and Remand for Payment of Benefits by The Black Lung Disability Trust Fund (the Trust Fund). The Director states that the Trust Fund accepts liability for this claim and does not contest claimant's entitlement to benefits. The Director requests that the Board dismiss employer as a party to this claim, and remand this case to the district director for the payment of benefits by the Trust Fund.

In view of the above, the Board grants the Director's motion, dismisses employer as a party to this claim, and remands this case to the district director for the payment of benefits by the Trust Fund. *See* 26 U.S.C. §9501(d)(1)(B); 20 C.F.R. §725.1(c).

BETTY JEAN HALL, Chief
Administrative Appeals Judge

RYAN GILLIGAN
Administrative Appeals Judge

JONATHAN ROLFE
Administrative Appeals Judge